

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

WARREN PHILLIPS, 1:00-cv-05225-AWI-DLB (PC)

Plaintiff,

vs.

S R ELLIS, et al,

ORDER DISREGARDING MOTION
DUE TO NINTH CIRCUIT APPEAL

(DOCUMENT #96)

Defendants.

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. Section 1983. On May 7, 2008, plaintiff filed a motion for appointment of counsel. Insomuch as plaintiff's case was dismissed by this court on September 19, 2003, and plaintiff filed an appeal to the Court of Appeals for the Ninth Circuit on May 28, 2004. This motion is more properly brought before the Court of Appeals. Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for appointment of counsel is DISREGARDED by this court.

IT IS SO ORDERED.

Dated: May 9, 2008

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE